



Patrick Henry Building • 1111 East Broad Street, Suite B036 • Richmond, Virginia 23219
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Delegate Robert B. Bell, *Chair*
Executive Director
Kristen J. Howard

Senator Janet D. Howell, *Vice-Chair*
Director of Legal Affairs
G. Stewart Petoe

Tuesday, December 6, 2011
General Assembly Building
Senate Room A
10:00 A.M.

DRAFT AGENDA

****NOTE: PUBLIC COMMENT WILL ONLY BE HEARD AFTER SJR 348 AND HB 2513 PRESENTATIONS****

I. CALL TO ORDER / APPROVAL OF NOVEMBER 16, 2011 MINUTES

Delegate Robert B. Bell, Chair

II. SORNA COMPLIANCE UPDATE (SJR 348)

G. Stewart Petoe, Director of Legal Affairs, Virginia State Crime Commission

The Commission was requested to review SJR 348 regarding federal requirements of Virginia's Sex Offender Registry. Staff will provide an update regarding Virginia's compliance with federal registry requirements.

III. INHERENT AUTHORITY TO DEFER AND DISMISS A CRIMINAL CASE (HB 2513)

G. Stewart Petoe, Director of Legal Affairs, Virginia State Crime Commission

The Commission was requested to review issues regarding the ability of judges to defer and dismiss criminal cases. This is in response to the January 13, 2011, Supreme Court of Virginia decision in *Hernandez v. Commonwealth*, 281 Va. 222 (2011).

IV. LEGISLATION AND POLICY ISSUES FOR CONSIDERATION:

1. Sex Offender Registry (SJR 348) – Members will review whether Virginia is in compliance with federal registry requirements.
2. Inherent Authority to Defer and Dismiss a Criminal Case (HB 2513) - Members will review the current state of the law, consider how the Virginia Supreme Court may alter the impact of the *Hernandez* case, and decide whether legislation should be enacted for this policy issue.
3. Death and Rape Investigations by Campus Police Departments (HB 2490) – Members will review issues regarding the investigation of deaths and alleged rapes occurring at colleges and universities with campus police departments.
4. Unlawful Solicitation of a Child by an Adult (HB 2396)- Draft legislation will be considered that makes it a crime for an adult to solicit a child to enter into a motor vehicle, without any additional malicious intent on the part of the adult.



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5. Reporting of Missing Children – Draft legislation will be considered regarding whether to penalize any parent, guardian, legal custodian, or person standing in loco parentis who fails to report a missing child.
6. Barrier Crimes – Draft legislation will be considered regarding whether to increase the eligibility for people to qualify as kinship care providers, even if they have been convicted of certain barrier crimes, and whether certain crimes should be added to or deleted from the relevant barrier crimes statute, as well as whether the format of all of the barrier crimes statutes should be changed so they are easier for laypersons to read.
7. Disposition of Unrestorably Incompetent Defendants (HJR 626) – Members will review whether to amend the civil commitment statute, Va. Code § 37.2-817(C), to include language that states the judge or special justice may consider the fact that the respondent has recently been found to be unrestorably incompetent to stand trial.
8. Synthetic Marijuana – Members will review the addition of certain compounds to the list of prohibited synthetic cannabinoid chemicals, as well as draft legislation that would create civil penalties for businesses that illegally sell synthetic marijuana.
9. Pseudoephedrine/NPLEx – Draft legislation will be considered regarding whether to implement the NPLEx system to track purchases of pseudoephedrine in Virginia, as well as whether or not pseudoephedrine should be made a controlled substance, and whether or not the purchase of pseudoephedrine under certain circumstances should be made a crime.
10. Protective Order Provisions – Draft legislation will be considered regarding whether to penalize any violation of a protective order as a Class 1 Misdemeanor, modify language in the emergency family abuse protective order statute so that it would be identical to the language found in the other protective order statutes, create a venue statute for protective orders, and clarify that all protective order hearings involving juveniles are to be heard in JDR Courts.
11. Reckless Driving Offenses and Speeding (HB 1993 and HB 2322) - Members will review whether to penalize failure to obey a traffic light as reckless driving and whether to increase the limit for reckless driving speeding from 80 mph to 90 mph.
12. Medical Fraud Control Unit (HB 2454) - Members will review whether the Virginia Attorney General should be authorized to designate Medical Fraud Control Unit investigators as sworn law enforcement officers.



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13. Animal Abuser Registry (HB 1930) – Members will review the feasibility of implementing an animal abuser registry in Virginia.
14. Domestic Abuser Registry (HB 1932) – Members will review the feasibility of implementing a domestic abuser registry in Virginia.

V. ADIJOURNMENT